

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
ELIAS LOZANO,) Criminal Action No.
CESAR ALIRE-LOZANO,) 08-00022-01/03-CR-W-SOW
and)
JULIAN MORALES-FLORES,)
Defendants.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

I. BACKGROUND

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on July 9, 2008. Defendant Elias Lozano appeared in person and with retained counsel Kathleen Salome Smith and Shazzie Naseem. Defendant Cesar Alire-Lozano appeared in person and with appointed counsel Lisa Nouri and newly-retained counsel William Gaddy. Defendant Julian Morales-Flores appeared in person and with retained counsel Henri Watson. The United States of America appeared by Assistant United States Attorney Bruce Rhoades.

On February 6, 2008, an indictment was returned charging all of the defendants with one count of conspiracy to possess with intent to distribute marijuana, in violation of 21 U.S.C. § 846, and one count of possession with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Rhoades announced that he will be the trial counsel for the government. The case agent to be seated at counsel table will be either Brian Ford or Jim Svoboda.

Ms. Smith announced that she and Jeremy Weis will be the trial counsel for defendant Elias Lozano.

Mr. Gaddy announced that he and Cori Harbour will be the trial counsel for defendant Cesar Alire-Lozano.

Mr. Watson announced that he will be the trial counsel for defendant Julian Morales-Flores.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Rhoades announced that the government intends to call 8 witnesses with or without stipulations during the trial.

Ms. Smith announced that defendant Elias Lozano intends to call 2 witnesses during the trial. The defendant may testify.

Mr. Gaddy announced that defendant Cesar Alire-Lozano intends to call 2 to 3 witnesses during the trial. The defendant may testify.

Mr. Watson announced that defendant Julian Morales-Flores intends to call 2 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Rhoades announced that the government will offer approximately 25 exhibits in evidence during the trial.

Ms. Smith announced that defendant Elias Lozano will offer approximately 5 to 10 exhibits in evidence during the trial.

Mr. Gaddy announced that defendant Cesar Alire-Lozano will offer approximately 10 exhibits in evidence during the trial.

Mr. Watson announced that defendant Julian Morales-Flores will offer approximately 10 exhibits in evidence during the trial.

VI. DEFENSES

Ms. Smith announced that defendant Elias Lozano will rely on the defense of general denial.

Mr. Gaddy announced that defendant Cesar Alire-Lozano will rely on the defense of general denial.

Mr. Watson announced that defendant Julian Morales-Flores will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Smith stated this case is definitely for trial.

Mr. Gaddy stated this case may be for trial.

Mr. Watson stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to business records.

IX. TRIAL TIME

Counsel were in agreement that this case will take 3 to 4 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed March 5, 2008, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by July 9, 2008;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, July 16, 2008;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, July 16, 2008. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on July 21, 2008.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
July 14, 2008

cc: The Honorable Scott O. Wright
Mr. Jeff Burkholder